

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LARRY LATHAM,)	
)	
Plaintiff,)	
v.)	C.A. No. 06-128 Erie
)	
UNITED STATES OF AMERICA,)	
et al.,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on June 1, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on August 24, 2007 [27], recommended that the Defendants' motion to dismiss, or in the alternative, motion for summary judgment [19] be granted. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff's objections [28] were filed on September 13, 2007.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 17th Day of September, 2007, IT IS HEREBY ORDERED that the Defendants' motion to dismiss, or in the alternative, motion for summary judgment [19] be and hereby is GRANTED.

The report and recommendation of Chief Magistrate Judge Baxter dated August 24, 2007 [27] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Susan Paradise Baxter